

## REMARKS

Applicant appreciates the detailed examination evidenced by the Office Action mailed December 14, 2005 (hereinafter "Office Action"), and the indication that Claim 38 recites patentable subject matter. In response to the rejections of independent Claims 32 and 39 as being anticipated by U.S. Patent No. 5,732,076 to Ketseoglou et al. (hereinafter "Ketseoglou"), Applicant has amended these claims to clarify that the plurality of spreading codes is used by *each* of the recited plurality of base stations or plurality of cells, which is neither disclosed nor suggested by the code reuse scheme shown in Ketseoglou. Applicant has similarly amended independent Claims 20 and 36, which stand rejected as obvious over a combination of U.S. Patent No. 6,195,343 to Watanabe (hereinafter "Watanabe") and Ketseoglou, as the rejections of these claims rely on the same alleged teaching from Ketseoglou used in the rejections of Claims 32 and 39. Applicant submits that these amendments place the claims in condition for allowance for at least the reasons discussed below.

### **Amended Independent Claims 20, 32, 36 and 39 are patentable**

In rejecting Claim 32, the Office Action cites FIG. 5 of Ketseoglou as teaching "allocating frequencies for use in the plurality of cells such that respective different frequency allocations are provided for respective first and second spreading codes" See Office Action, p. 2. Applicant has amended Claim 32 to clarify that each of the cells uses the plurality of spreading codes:

A method of operating a code division multiple access (CDMA) wireless communications system that includes a plurality of cells, the method comprising:  
allocating frequencies for use in the plurality of cells such that respective different frequency allocations are provided for respective first and second spreading codes *used in each of the cells*, wherein the step of allocating frequencies for use in the plurality of cells comprises:  
applying a first frequency reuse pattern for the first spreading code; and  
applying a second frequency reuse pattern for the second spreading code.

Claim 39 has been similarly amended. Applicant notes that these amendments are supported by the disclosure of the application as filed, e.g., by FIGs. 7 and 8 and the accompanying description thereof at page 19 of the specification. In contrast, the cited FIG. 5 of Ketseoglou

shows a system in which respective *single* spreading codes are used in respective ones of the cells 103. Accordingly, Ketseoglou does not disclose or suggest all of the recitations of amended independent Claims 32 and 39 and, for at least these reasons, Applicant submits that amended independent Claims 32 and 39 are patentable.

Similar reasons support the patentability of amended independent Claims 20 and 36, which stand rejected as obvious with respect to a combination of Watanabe and Ketseoglou. In particular, Claim 20 has been amended to recite:

A method of operating a plurality of code division multiple access cellular radiotelephone base stations, the method comprising the steps of:  
communicating between the plurality of base stations and radiotelephones using a common plurality of spreading codes, wherein each base station uses the common plurality of spreading codes; and  
allocating cellular radiotelephone frequencies among said plurality of base stations according to a first frequency allocation system for a first one of said spreading codes and according to a second frequency allocation system different from said first frequency allocation system for a second one of said spreading codes.

Claim 36 has been similarly amended. The rejections of Claims 20 and 36 rely on Ketseoglou as allegedly teaching the frequency allocation recitations of these claims. See Office Action, p. 5. However, as noted above, Ketseoglou does not disclose or suggest such recitations. Accordingly, the cited combination of Watanabe and Ketseoglou does not disclose or suggest all of the recitations of amended independent Claims 20 and 36 and, for at least these reasons, Applicant submit that amended independent Claims 20 and 36 are patentable.

**The dependent claims are patentable**

Applicant submits that dependent Claims 21, 30, 31, 34, 35, 37, 38 and 40-42 are patentable at least by virtue of the patentability of the various ones of independent Claims 20, 32, 36 and 39 from which they depend. Applicant further submits that several of these dependent claims, in addition to Claim 38 identified above, are separately patentable.

For example, Claim 31 recites "wherein the first frequency allocation system comprise a first frequency reuse pattern, and wherein the second frequency allocation system comprises a second frequency reuse pattern." The Office Action provides no specific basis

from the cited references for rejecting Claim 31. Applicant notes that FIG. 5 of Ketseoglou does not provide such teachings, as it shows a system in which a 3-cell frequency reuse pattern is used for each of the spreading codes shown therein. Accordingly, Applicant submits that Claim 31 is separately patentable. Similar reasoning supports the separate patentability of Claim 40.

Claim 34, which stands rejected as anticipated by Ketseoglou, recites:

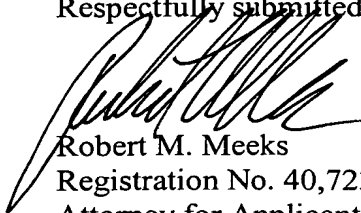
... adaptively allocating frequencies for use with the first spreading code according to a first adaptive allocation scheme; and  
adaptively allocating frequencies for use with the second spreading code according to a second adaptive allocation scheme.

In rejecting Claim 34, the Office Action cites FIG. 5 and column 8, lines 2-11 of Ketseoglou as allegedly teaching such recitations. Applicant notes, however, that the cited passage from column 8 indicates that frequencies are assigned among cells 103, but does not indicate that the frequency allocation shown is *adaptive*. Accordingly, Applicant submits that Ketseoglou does not provide the alleged teachings and, for at least this reason, Applicant submits that Claim 34 is separately patentable. Similar reasoning supports the separate patentability of Claim 41.

### CONCLUSION

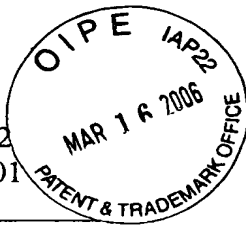
Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 14, 2006.

  
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